HOUSE BILL 181

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR BACKGROUND CHECKS
OF APPLICANTS FOR EMPLOYMENT; REQUIRING INSTITUTIONS OF HIGHER
EDUCATION TO CONDUCT EMPLOYEE BACKGROUND CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 21, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] BACKGROUND CHECKS.--

A.   Institutions of higher education shall develop
policies and procedures to require background checks on an
applicant who has been offered employment.

B.   An applicant who has been offered employment
shall provide two fingerprint cards or the equivalent
electronic fingerprints to the institution of higher education
to obtain the applicant's federal bureau of investigation

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1　　record. The applicant who has been offered employment may be

2　　required to pay for the cost of obtaining a background check.

3　　Convictions of felonies or misdemeanors contained in the

4　　federal bureau of investigation records that are on file with

5　　the institution of higher education shall be used pursuant to

6　　Sections 28-2-3 through 28-2-5 NMSA 1978; provided that other

7　　information contained in the federal bureau of investigation

8　　records, if supported by independent evidence, may form the

9　　basis for the employment decisions for good and just cause.

10　　Records and any related information shall be privileged and

11　　shall not be disclosed to a person not directly involved in the

12　　employment decision affecting the specific applicant who has

13　　been offered employment.

14　　　　　　　C. An applicant for employment who has been

15　　initially employed within twelve months of applying for

16　　employment at an institution of higher education shall not be

17　　required to submit to another background check if the

18　　institution of higher education has copies of the applicant's

19　　federal bureau of investigation records on file."

20　　　　　SECTION 2. EFFECTIVE DATE.--The effective date of the

21　　provisions of this act is July 1, 2012.

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